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FM AMEMBASSY RANGOON
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8383
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 1624
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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000875

SIPDIS

STATE FOR EAP, IO AND DRL
PACOM FOR FPA
US MISSION GENEVA FOR LABOR ATTACHE

E.O. 12958: DECL: 11/10/2018

TAGS: ELAB PGOV PREL PHUM BM

SUBJECT: BURMA: GOB ARRESTS FORCED LABOR COMPLAINANTS

REF: RANGOON 822

Classified By: Economic Officer Samantha A. Carl-Yoder for reasons 1.4 (b and d).

Summary

¶1. (C) ILO Liaison Officer Steve Marshall reports that the Burmese Government arrested three forced labor complainants and one NLD facilitator who filed a forced labor case on behalf of 63 farmers in mid-October. The ILO has raised this issue with the Ministry of Labor, emphasizing that the GOB's actions violate the ILO-GOB Supplementary Understanding on Forced Labor. This case will likely be discussed during the upcoming ILO Governing Body meeting in Geneva. End Summary.

Army Violating Labor Rights

¶2. (C) Steve Marshall, ILO Burma Liaison Officer, told us that by arresting three complainants and one facilitator who filed a forced labor complaint with the ILO on October 18, the Burmese Government has violated the ILO-GOB Supplementary Understanding on Forced Labor (which created a mechanism allowing Burmese to report forced labor to the ILO). According to the official complaint, the Burmese Government ordered 63 farmers in Aung Lan Township, Magwe Division, to grow jethropa (physic/castor nut) instead of their traditional crops. When the farmers refused, complaining that jethropa was not a viable source of livelihood and destroyed the land for future crops, the army confiscated the land and plowed over existing crops. The army then provided the farmers with jethropa seeds, ordering them to replant. Three farmers traveled to Rangoon on October 18 to file an official complaint with the ILO. Marshall informed us that forced farming qualifies as forced labor under the ILO's definition.

¶3. (C) Upon their return to the village, the farmers told the village chairperson that they had met with the ILO in Rangoon. According to Marshall, the three farmers were detained by the army on October 19 and interrogated for more than 15 hours. The army requested that they sign a confession admitting that their complaint was false. The

farmers refused and were released the same day. Marshall confirmed that the police arrested them on October 20, charging them with revealing confidential government information. They remain in prison in Magwe Division.

¶4. (C) The ILO facilitator, a local NLD member, who assisted the farmers with their complaint informed Marshall of the arrests. When the facilitator returned to Aung Lan Township on October 29, he was also arrested. According to Marshall, many of the 63 farmers named in the official complaint have left the area, afraid that they too could be arrested.

ILO Demands Release

¶5. (C) Marshall has raised the issue with Minister of Labor Aung Kyi at least three times since October 19, most recently during a November 4 phone call about the upcoming ILO Governing Body meeting. In each case he informed Aung Kyi that the GOB's actions violated the Supplementary Understanding, which specifically prohibits the government and military from harassing those who file forced labor complaints. Aung Kyi reportedly told Marshall he would look into the matter, but since the case involved the military, he might not be able to accomplish much. Marshall replied that the case will likely be raised at the ILO Governing Body Meeting in mid-November and encouraged Aung Kyi to resolve the case as quickly as possible. Marshall also raised the issue with Deputy Labor Minister Brigadier General Tin Tun Tun, who said he relayed the information to the Adjutant

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General's office. Marshall indicated to us his belief that the GOB will be unable to resolve this case before the ILO meeting, and encouraged the U.S. Delegation to raise it during the specific meeting on Burma.

Comment

¶6. (C) The Supplementary Understanding provides a mechanism for the ILO to receive and investigate forced labor cases, but it sets no benchmarks on what the GOB, particularly the military, needs to do to show it is working to eliminate forced labor practices. As this case illustrates, Burma's forced labor situation remains dire, with the military acting as the primary violator of labor rights. The Supplementary Understanding will expire in February 2009, and the ILO Governing Body must decide whether ILO Burma should renew the existing agreement or look to strengthen it (Reftel). Embassy Rangoon encourages the Department of State and Department of Labor to consider a renewal of the Supplementary Understanding that includes benchmarks for specific GOB actions to address forced labor.

DINGER